

AMENDMENT TO TOWN OF YUCCA VALLEY SEPTIC TANK PROHIBITION

Edit Chapter 4, Section II.H, Septic System, Town of Yucca Valley, as follows (additions are in underlined font and deletions are strike out font):

A. Time Schedule for Implementation

~~The prohibition shall become effective for all parcels within Phase 1 of the Hi-Desert Water District Sewer Master Plan by May 19, 2016, or when a municipal sewage collection system becomes available, whichever occurs first.~~

~~The prohibition shall become effective on parcels within Phase 2 of the Hi-Desert Water Districts Sewer Master Plan by May 19, 2019, or when a municipal sewage collection system becomes available, whichever occurs first.~~

~~The prohibition shall become effective on parcels within Phase 3 of the Hi-Desert Water Districts Sewer Master Plan by May 19, 2022, or when a municipal sewage collection system becomes available, whichever occurs first. All three phases are shown in Attachment B.~~

~~A municipal sewage collection system is defined as “available” once the system is operational, and is located within 500 lineal feet of an existing or proposed new disposal system discharge.~~

This prohibition shall become effective for all parcels within the boundaries of the prohibition in accordance with the following time schedule:

<u>Phase</u>	<u>Deadline*</u>
<u>Phase 1</u>	<u>June 30, 2021</u>
<u>Phase 2</u>	<u>December 31, 2025</u>
<u>Phase 3</u>	

* Or when a municipal sewage collection system becomes available, whichever comes first. A municipal sewage collection system is defined as “available” once the system is operational, and is located within 500 lineal feet of an existing or proposed new disposal system discharge.

Construction of the Hi-Desert Water District (HDWD) municipal sewage collection system and wastewater treatment and reclamation facility (WRF) for the Town of Yucca Valley shall proceed in accordance with the following milestones and schedule:

<u>Package</u>	<u>Start</u>	<u>Complete</u>
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	<u>Construction</u>	<u>Construction</u>
<u>Package A: Collection System East</u>	<u>July 31, 2016</u>	<u>February 28, 2018</u>
<u>Package B: Pumping Stations</u>	<u>September 30, 2016</u>	<u>April 30, 2018</u>
<u>Package C: Collection System Central</u>	<u>October 31, 2017</u>	<u>April 30, 2019</u>
<u>Package D: Collection System West</u>	<u>December 31, 2018</u>	<u>March 31, 2020</u>
<u>WRF</u>	<u>February 28, 2017</u>	<u>July 31, 2019</u>

Regarding the availability of and need to connect to the centralized sewer system, the District shall provide property owners in Phase 1 at a minimum the following two notifications:

1st Notification: a 90-day advance notice (by mail), as to when the approximate date the sewage collection system will become “available” for them to connect; and

2nd Notification: another written notification, within 10 days of when the system is actually “available,” that the system is “available,” and they need to connect to it.

Within one-hundred (100) days following the first round of the 2nd Notification (Item 2, above), and every month thereafter on the 15th day of the month, HDWD shall submit to the Colorado River Basin Water Board a technical report in the form of a letter with the names and address of property owners who have not connected to the sewage collection system as required even though the system is available for them to connect. Further, a detailed progress schedule to connect property owners to the sewage collection system shall be available on the HDWD’s Project webpage (www.protectgroundwater.org) throughout the Project.

B. Deferred Parcels

Parcels identified in Appendix A of the March 2016 Staff Report prepared in support of this amendment (hereafter “March 2016 Staff Report”) shall connect to the HDWD’s centralized sewage collection system and WRF when they meet any of the following criteria:

1. An area of Deferred Parcels has experienced enough development to meet a threshold of 1.7 equivalent dwelling units (EDU) per 100 feet of pipe;
2. A street or area is 80 percent developed; or
3. An area has experienced enough development to generate flows resulting in a minimum of 2 feet per second (fps) flushing velocity.

C. Internal Boundaries for Phases 1 through 3

The internal boundaries for Phases 1 through 3 shall be realigned and defined as recommended in the March 2016 Staff Report. Parcels in Alternative Area 1, which are identified in Appendix B of the March 2016 Staff Report, shall be moved from Phase 1 into Phase 2; Parcels in Alternative Area 2, which are identified in Appendix B of the March 2016 Staff Report, shall be moved from Phase 1 into Phase 3; and Parcels in

Phases 2 and 3, which are identified in Appendix C of the March 2016 Staff Report, shall be moved into Phase 1, as recommended in the March 2016 Staff Report. Thus, the internal boundaries of each Phase of the Prohibition shall be as shown in Figure 7 of the March 2016 Staff Report and are defined as follows:

1. The Phase 1 area shall be bounded by Barron Drive to the north, Highland Trail to the south, La Contenta Road to the east, and Camino Del Cielo Trail to the west;
2. The Phase 2 area shall be bounded by Onaga Trail to the north, Golden Bee Drive to the south, La Contenta Road to the east, and Rockaway Avenue to the west; and
3. The Phase 3 area shall cover the remaining residential customers on the west end of HDWD's service area, along with some low to medium density residential customers located north of the Yucca Wash up to Cobalt Road; and some low to medium density residential customers located south of Golden Bee Drive and north of South Park Road.

B. ReportingD. Monitoring and Reporting

Pursuant to Section 13225 of the California Water Code, by June 2016, and every calendar quarter thereafter on the 15th, HDWD shall submit to the Regional Water Board a report regarding the construction of the centralized sewage collection system and WRF. The report shall describe overall progress to build the centralized system and WRF; number of parcels connected to the system; and overall progress to achieve compliance with the Prohibition. HDWD shall also submit bi-annual reports to the Regional Water Board by January 1st and July 1st of each year regarding the status of Deferred Parcels. Specifically, the report shall address whether any Deferred Parcel and/or areas where Deferred Parcels are located meet any of the criteria specified in Section B, above.

~~HDWD will be contracting with USGS to study further the impact from septic system discharges in Phases 2 and 3. HDWD will be submitting the results of the study to the Regional Water Board for consideration of modification of the Prohibition.~~

E. Prohibition Exemptions

Exemptions to this Prohibition shall be considered and may be granted by the Regional Water Board on a case-by-case basis pursuant to an application submitted to the Executive Officer by any person or entity that is subject to the Prohibition (Discharger). Such exemptions shall be based upon the weight of the evidence demonstrating the existence of unique conditions applicable to the Discharger, its discharge, and its property in question. These conditions include, but are not limited to, technical, environmental, or economic conditions that would make connection to the collection system or installation of an on-site advanced treatment and disposal system technically impracticable or economically excessively burdensome. To be considered for an exemption, the Discharger shall apply to the Executive Officer for relief in writing and

document the conditions that would make connection to the collection system or installation of an advanced on-site treatment and disposal system technically impracticable or economically excessively burdensome. The application shall also include:

- a) Written quotes from three State licensed commercial contractors regarding the estimated cost to install, operate, and maintain the advanced on-site treatment and disposal system; and
- b) A financial statement regarding the applicant's average income for the last five years, and the applicant's most recent property value assessment.

~~The Regional Water Board shall give substantial consideration to applications accompanied by a letter of support for the exemption from HDWD.~~

The Executive Officer shall have thirty (30) days from receipt of the application to notify the Discharger in writing whether the application is complete. Following receipt of a complete application, the Executive Officer shall make a preliminary determination of whether the Discharger qualifies for an exemption and shall make a recommendation to the Regional Water Board based on that determination whether the exemption should be granted or denied. The Executive Officer shall then notify the Discharger in writing regarding that recommendation and when the matter will be scheduled for the Regional Water Board's consideration at a public hearing.

F. Compliance Assurance and Enforcement

It is the Regional Water Board's objective to work cooperatively with the Dischargers who are subject to this Prohibition to help them achieve compliance with the terms of the Prohibition. Consistent with this objective, the Executive Officer shall assist the Dischargers achieve compliance with the terms of this Basin Plan amendment. In this regard, the Executive Officer shall continue to assist the Town of Yucca Valley and HDWD obtain financial assistance and, within forty-five (45) days following approval of the amendment by the California Office of Administrative Law (OAL), shall notify in writing all Dischargers regarding:

- a) the key deadlines of this Prohibition,
- b) options available to comply with the amendment, and
- c) sources of potential financial and technical assistance.

The Regional Water Board recognizes that there may be circumstances where a Discharger is not responsive to staff compliance efforts. In these cases, the State Water Resources Control Board's Water Quality Enforcement Policy provides clear guidance on the options available to the Regional Water Board to bring the Discharger into compliance. In these circumstances, the Regional Water Board enforcement staff shall implement prompt, consistent, predictable, fair, and progressive enforcement to bring the Discharger into compliance at the earliest practicable date with the terms of this

Prohibition. Towards this end, the Regional Water Board staff may take any combination of the following actions, as the circumstances of the case may warrant:

- Issue Notice of Non-Compliance letters;
- Issue an order pursuant to Section 13267 of the California Water Code to ensure that a Discharger submits, in a prompt and complete manner, a technical report to bring its discharge into compliance with this Prohibition;
- Issue a Cleanup and Abatement order pursuant to Section 13304 of the California Water Code against any Discharger who violates the Prohibition and/or threatens a condition of nuisance or pollution;
- Prepare for consideration of adoption by the Regional Water Board, a Cease and Desist order pursuant to Section 13301 of the California Water Code against any Discharger who violates the Prohibition;
- Issue Administrative Civil Liability Complaints, as provided for by the California Water Code, against any responsible party who fails to comply with Regional Water Board orders and/or the Prohibition.

The Executive Officer is hereby directed to provide the Regional Water Board an annual written report regarding overall progress to achieve compliance with the terms of this prohibition. The first annual report shall be due on May 23, 2012.

The Executive Officer is hereby further directed to work with the Town and HDWD to revise the existing Memorandum of Agreement between the Town, HDWD, and Regional Water Board as soon as practicable but by no later than June 30, 2016, so that it includes specific outreach and education activities targeting discharges from septic systems within the Prohibition boundaries so that they are operated and maintained properly while the centralized municipal sewage collection system and WRF are being constructed.